

# OFFICIAL PUBLICATION OF THE Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience & Interior Design



## Letter from the Chair

**Carl Peterson, CPA, Public Member**

The State of Minnesota, the licensed professionals regulated by this Board, and the public

should all be proud of how progressive this Board is year in and year out. The Board is in the midst of strategic planning to ensure we continue moving in the right direction. In addition, last year the legislature passed a Board-supported bill to require professional ethics education be a component of required continuing education. It is important to recognize the impact our licensees have in protecting the health, safety and welfare of the public.

Professional ethics is not a new requirement for licensees; the professional organizations have promoted education in ethics for many years. The movement has been to elevate the recognition and

importance of professional ethics as part of the regulatory process.

As professional ethics education becomes an important component of your reporting cycle, remember there are both regulatory and non-regulatory ethics. Regulatory ethics focus on standards, rules and regulations within your profession or discipline. Non-regulatory ethics equate more to social responsibility. Social responsibility comes into play as we exercise professional judgment and due care in our performance of projects or engagements.

Not only is the public health, safety and welfare protected by regulatory ethics (the adherence to standards, rules and regulations) but it is protected by professional ethics related to social responsibility. We all raise the level of our professions by following our codes

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## THE COMMUNICATOR

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### Visit the Board Website

[www.aelslagid.state.mn.us](http://www.aelslagid.state.mn.us)

## Suitable titles for architectural interns

**by Paul May, Architect**

Minnesota Statutes 326.02, subd. 1 on licensure and title for architects has had a tremendous amount of discussion in recent years. Currently NCARB has a task force to explore options for uniformity in describing those seeking licensure. The AELSLAGID Board has also been part of these discussions. The title "architect" is a protected term under these Statutes.

Use of a "title or description tending to convey the impression that the person is an architect", unless licensed, is unlawful. This could apply to such terms as "Intern Architect", "Residential Architect", etc. Filing a complaint with the AELSLAGID Board would be appropriate when these terms are used without a current license in the State of Minnesota (for process details see [www.aelslagid.state.mn.us/complaints.html](http://www.aelslagid.state.mn.us/complaints.html)).

The term "architectural" is not a title protected by statute at this time. This would enable the use of the term "architectural designer" or "architectural intern" for those not licensed, and on the path to licensure. Other "architectural" derivatives may also be appropriate.

Please review the Statutes regulating licensure if you have questions. They can be found on the Board website. ■

## Board Members

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Peter Miller, PSS (2017)

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## NCIDQ Exam: rigorous and formative

**by Caren Martin, PhD, CID**

As a practitioner, professor and researcher of interior design, I have had the opportunity to take part in various aspects of the interior design profession. I've worked with interdisciplinary design teams on the design of schools, offices and courthouses; guided interior design students to become competent and inspired practitioners and researchers; and supported the growth of evidence-based design through the development of InformedDesign® ([www.informedesign.org](http://www.informedesign.org)).

My confidence in being able to accomplish these goals is directly related to my holding a professional credential, the NCIDQ Certification, the standard qualifying examination for interior design throughout most of the United States and Canada. Passage of this examination signals my ability and duty to address the public's health, safety and welfare.

As people's design needs and buildings themselves become more sophisticated, interior design is both keeping pace with and at the forefront of a number of positive developments. When hospitals, classrooms, senior living facilities, or offices are knowledgeably designed, research shows that people recover

faster, learn better, have an improved quality of life, and are more productive, respectively.

NCIDQ Certification is the result of taking and passing a rigorous three-part exam that is the main focus of the work of the Council for Interior Design Qualification or CIDQ ([www.ncidqexam.org/](http://www.ncidqexam.org/)). Since the NCIDQ Exam was launched in 1974, more than 750 designers in Minnesota and 28,950 designers in North America have passed the exam and become certified as a result. In Minnesota, passage of the NCIDQ exam is a required step in applying to become a CID.

The exam sections—which include two online multiple-choice sections and a drawing practicum that will become digital in 2017—focus entirely on relevant knowledge of public health, safety, and welfare. Having served as Minnesota's delegate to CIDQ for eight years while on the AELSLAGID board, I can attest to the amount of rigor placed on formulating the exam and ensuring its psychometric integrity. Items are developed by and agreed upon by a panel of experts; statistical equating procedures are used to ensure that all versions of the exam are equal in

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## Former Board member Martin appointed to CIDQ Board

Caren S. Martin, PhD, NCIDQ, CID, FASID, IDEC, IFMA, who served two terms on the AELSLAGID Board, has been selected to serve as a member of the Board of Directors for the Council for Interior Design Qualification (CIDQ), the organization that oversees the development and administration of the NCIDQ Examination. The NCIDQ Examination is a widely recognized assessment tool that measures the training and experience of interior design practitioners. It is used by Minnesota as well as many other Boards in the US and Canada as a factor in determining eligibility for certification or licensure. Dr. Martin began her appointment January 1, 2015. ■





# Governor Dayton appoints Mathews, Rapp, Groshong, Kuretsky and Martenson to the Board

Governor Mark Dayton appointed five members to the Board of AELSLAGID effective March 17, 2015. Their terms will expire January 7, 2019.

Terms for two members ended: Bruce Johnson, Professional Geologist, who recently served as Treasurer, and Lisa Hanni, Land Surveyor. The Board gratefully acknowledges their dedication and service.

Short biographies for the new and returning members are below:



**Dennis Martenson, Professional Engineer.** Dennis has been licensed since 1971. He is registered in six states, including Minnesota. He is a member of ASCE (for which he served as President), AWWA, CSWEA and WEF. He has achieved specialty certification from the AAEEs as a Water Supply and Wastewater Engineer and holds a Class B Wastewater Treatment Plant Operator certificate. He teaches as an adjunct professor at the University of Minnesota. His career includes experience in industry, regional wastewater authority and consulting engineering firms. This is Dennis's second term with the Board.



**Terry Groshong, Architect.** Terry has been a licensed architect since 1983 and is a past Board Member of the American Institute of Architects, Northern Chapter. He is also NCARB and CID certified. While working in the private sector, Terry was instrumental in managing completion of Wolf Ridge Environmental Center. For 25 years, he served in the public sector in Duluth. His work there included low

income housing planning and HUD program work, as well as implementation of the capital improvement program. He is currently Senior Project Manager/Mentor with the firm of Meyer Group Architecture. This is Terry's second term with the Board.



**Robin Mathews, Land Surveyor.** Robin began his surveying career as a Cadastral Surveyor with the US Department of the Interior, Bureau of Land Management. He has worked in the private sector as a professional land surveyor for six years. Robin has performed boundary surveys in five Public Land Survey System states, in six non-Public Land Survey System states and in Washington, DC. He is a member of numerous professional land surveying organizations. Robin has presented land surveying issues at state conferences. He has worked as the Pine County Land Surveyor for the past ten years. Robin is licensed in Minnesota and Wisconsin.



**William H. Kuretsky, Public Member.** Bill lives in Minnetonka with his wife Jan. He has three children and three grandchildren. He received BS, MSME and Juris Doctor degrees from the University of Minnesota. From 1979 through 2008, Bill worked in the Minnesota Attorney General's office as an Assistant Attorney General. In that position he represented state agencies and also state boards,

including AELSLAGID. He enjoys tennis, reading, traveling and learning from and being continuously amazed by his grandchildren. This is Bill's second term with the Board.



**Keith Rapp, Professional Geologist.** Keith is a Senior Hydrogeologist/Senior Project Manager with Pinnacle Engineering. He started his career in mineral exploration, and now has over 25 years of extensive experience in business management in all aspects of corporate environmental affairs, and has provided environmental consulting for government and private business interests. Keith served

twice as the Minnesota Section President of the AIPG. Keith is a registered geologist in Missouri and is licensed as a professional geologist in Minnesota and Nebraska. ■

# Disciplinary Actions

**Disclaimer:** Every effort has been made to ensure that the following enforcement information is correct; however, this information should not be relied upon without verification from the Board office.

It should be noted that the names of companies and individuals listed may be similar to the names of parties who have not had enforcement actions taken against them.

Disciplinary orders are public data and copies may be obtained by contacting the Board office or by viewing the order on the web page at [www.aelslagid.state.mn.us](http://www.aelslagid.state.mn.us).

The following are summaries of the facts for disciplinary actions taken since the last newsletter. Full orders can be found on the Board's website.



## In the Matter of Marvin Kohout Land Surveyor License #17774

**Facts:** Mr. Kohout was first licensed as a Land Surveyor in Minnesota on June 23, 1986. His license expired in 2014 and he reinstated his license on August 1, 2014. Mr. Kohout self-reported that he had practiced and represented himself as a Minnesota LS during the lapse of his license. Mr. Kohout provided eight (8) surveys he signed and certified during the lapse and two (2) elevation certifications. He took significant corrective actions, including notifying the Board and clients, and reissued all the documents after his license was renewed.

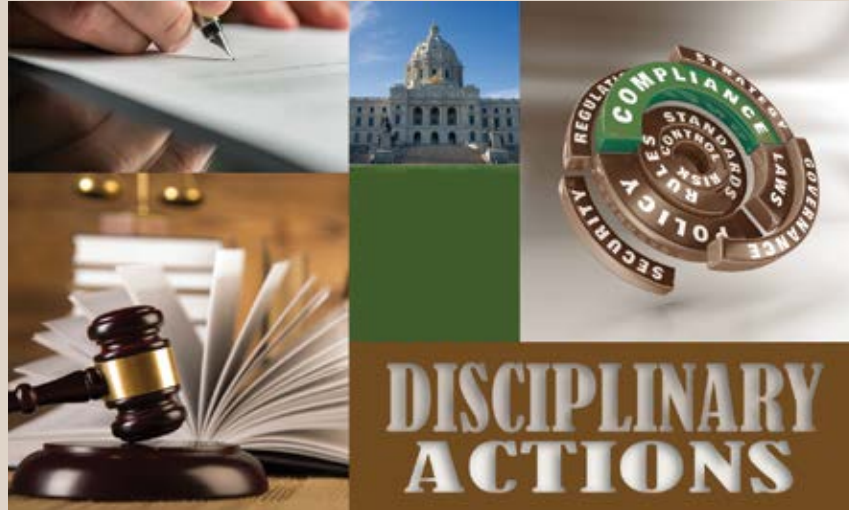
**Enforcement Action:** On December 15, 2014, the Board issued a Stipulation and Order. Mr. Kohout was reprimanded for the

foregoing conduct, ordered to pay a civil penalty of \$500, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.



## In the Matter of Alan Kretman Landscape Architect License #15144

The above-entitled matter came on for a prehearing conference before Administrative Law Judge Ann C. O'Reilly on April 17, 2014.



Michele M. Owen, Assistant Attorney General, appeared at the prehearing conference on behalf of the Complaint Committee of the Board. Mr. Kretman did not appear. During the prehearing conference the attorney appearing on behalf of the Complaint Committee requested that the Administrative Law Judge find that Mr. Kretman is in default.

On August 7, 2014, the Board issued a Findings of Fact, Conclusion of Law and Order.

**Findings of Fact:** The Board received a report on June 9, 2014 from Administrative Law Judge, Ann C. O'Reilly. The Board adopts the Findings in the ALJ's report, which are incorporated herein. On February 11, 2014, the Board served a Notice of and Order for Hearing and Prehearing Conference upon Mr. Kretman's last known address with the Board. The Notice and Order for Hearing was returned to the Board as undeliverable because Mr. Kretman did not accept the certified mail. On February 28, 2014, the Complaint Committee re-served the same Notice and Order for Hearing via U.S. Mail, first class, at the same address on file with the Board. The Board also sent to Mr. Kretman a copy of the Administrative

Law Judge's Order for Telephone Prehearing Conference to be held on April 14, 2014. This correspondence, which included the Orders, was not returned to the Board as undeliverable.

Mr. Kretman failed to file a Notice of Appearance with the ALJ, failed to appear at the prehearing conference scheduled for April 17, 2014, and failed to request that the prehearing conference be continued. Therefore, he is in default in this proceeding.

**Conclusions:** The Board adopts the Conclusions in the ALJ report, which are incorporated herein. The Board has jurisdiction in the matter under Minn. Stat. section 14.50 and 326.02 – 326.15. The Board gave Mr. Kretman proper notice in this matter and has met all relevant substantive and procedural requirements of laws and rules. Mr. Kretman violated Minn. Stat. section 326.107, subs 1 and 7; and Minn. Stat. section 326.111, subs. 4(a)(1) and (8); and Minn. R. 1800.0100, and 1800.0110.

**Order:** Mr. Kretman's Landscape Architect license is suspended

until such time Mr. Kretman: 1) provides documentation satisfactory to the Board of having completed all of the 24 professional development hours (PDH) required for the period of July 1, 2010, to June 30, 2012; and (2) provides documentation satisfactory to the Board of having successfully completed, eight (8) hours in professional ethics. Mr. Kretman shall cease and desist practicing as an Landscape Architect and from holding himself out to the public as a Landscape Architect within Minnesota. Mr. Kretman shall pay a civil penalty of \$5,000 to the Board.



## In the Matter of Scott Lee Lasky Unlicensed

**Facts:** Mr. Lasky was licensed as an Architect in Minnesota on September 23, 2009. He is not currently and never has been licensed as a Professional Engineer in Minnesota. Mr. Lasky self-reported to the Board that he had practiced as a professional engineer when he erroneously signed the mechanical, plumbing and electrical drawings

for a project located in Saint Louis Park, Minnesota.

**Enforcement Action:** On August 7, 2014, the Board issued a Settlement Agreement and Cease and Desist Order. Mr. Lasky was ordered to cease and desist from practicing Professional Engineering in Minnesota until such time as he becomes licensed as a PE in Minnesota and to pay to the Board a civil penalty of \$5000.



#### **In the Matter of Michael Lyner Architect License # 15794**

**Facts:** Mr. Lyner was first licensed as an Architect in Minnesota on January 4, 1983, and his license expired in 2008. On April 4, 2013, he reinstated his license. During the time his license was expired, Mr. Lyner held himself out as an Architect when he used the title of 'Architect' on websites, e-mail signature blocks, letterhead and his business card.

**Enforcement Action:** On August 7, 2014, the Board issued a Stipulation and Order. Mr. Lyner was reprimanded for the foregoing conduct and ordered to pay to the Board a civil penalty of \$500.



## **Licensing surcharge to expire in July**

The license surcharge collected by the Minnesota Office of Enterprise Technology for license renewals will expire on July 1, 2015.

Check the AELSLAGID website [www.aelslagid.state.mn.us](http://www.aelslagid.state.mn.us) in July for an updated list of all fees associated with renewals. ■

## **Selecting ethics PDH courses?**

### **Be guided by the Continuing Education Assessment Form**

This year saw the addition of a professional ethics requirement to the existing professional development hours (PDH) that licensees and certificate holders must complete. We have heard some express concerns as to how to determine if a course will "qualify."

Your best approach is to treat the ethics PDH requirement as you do all your PDH requirements. The same principles apply:

- reference the Statute (326.107),
- review the Continuing Education Assessment Form (available on the Board's website), and
- use your own professionalism and common sense.

Ask yourself: "Can I answer the questions in Assessment Form satisfactorily?"

The Board does not pre-approve courses or activities, so the Board office does not have a listing of continuing education opportunities. It is the responsibility of each licensee or certificate holder to use their best professional judgment by reading and utilizing the statutory requirements to determine whether an activity meets the continuing education requirements. The Board has links to professional societies and national councils from its website, and those groups may have opportunities for training. The acceptance of continuing education credits by a professional society does not guarantee acceptance by the Board nor does the course referring to itself as "approved for continuing education." The Board has final discretion on whether or not a course or activity meets the State's requirements.

Common sense suggests a professional ethics course related to your specific profession is ideal. The instructor will understand what real-world situations you might encounter; plus if you are in a classroom setting (real or virtual) with others in your profession, their questions and the general discussion will likely be most relevant. However, what remains a "must" is that the course

be presented or designed by someone "well qualified by education or experience" (Statute 326.107 Subd. 3(e)) and also that other interaction and documentation requirements listed on the Assessment Form are met. ■

### **Does the ethics course you are considering allow you to answer these questions?**

- 1.** Does this activity provide information that directly benefits the health, safety, and welfare of the public? How so?
- 2.** Is there a clear purpose and objective that will maintain, improve, or expand the skills and knowledge you obtained prior to initial licensure or certification or develop new and relevant skills and knowledge? What is it?
- 3.** Is the content of the presentation well organized and presented in a sequential manner? Explain.
- 4.** Is there evidence of pre-planning and is there an opportunity for input from the attendees/audience? Explain.
- 5.** Is the presentation made by persons who are well qualified? Who is the presenter? How are they qualified (education/experience, etc.)?
- 6.** Is there documentation of your participation in the activity? What is it? (Keep for your records).

If, upon your review of the syllabus for the continuing education course or activity, you can't confidently answer the questions above, it likely is not the course for you.

Source: Continuing Education Assessment Form, available on the Board website as a PDF: [www.aelslagid.state.mn.us/ceform.pdf](http://www.aelslagid.state.mn.us/ceform.pdf)



# Safely converting barns for other uses

by Paul May &  
John Swanson

The AELSLAGID Board and the Minnesota State Fire Marshal Division (SFMD) have received notices and complaints about an alarming trend occurring in Minnesota. Increasingly, barns traditionally used for agricultural purposes are being converted to residential property or used by the public for assemblies like weddings and dances. This article will address the implications of that trend, change-of-use issues related to agricultural buildings, and regulations set by state building and fire codes.

Most buildings are designed and built for specific uses and purposes. These uses require certain life safety requirements. When the use within a building is changed, the owners, builders and design professionals must revisit the life safety issues in light of those new uses.

Building and fire codes list ten occupancy classifications. Each structure must be assigned one of these classifications by the design professional and code official. According to the National Fire Protection Association (NFPA), ten of the twenty deadliest fires in U.S. history occurred in occupancies in the "assembly" or "residential" category. In these ten most-deadly fires, 2,555 people lost their lives. Those are troubling statistics, and they require building and fire code officials to focus fire prevention efforts on these types of occupancies.

Some common issues in those fires:

- Lack of required number of exits
- Exit door or gate designs that limited quick egress

- Overcrowding
- Combustible materials that caused fire to spread rapidly

Many, if not all, of these conditions are found in typical barns and other agricultural buildings. Agricultural buildings typically do not include necessities such as smoke alarms when the building is used for sleeping, or the minimum number of required exits when used for assembly. When a large quantity of highly combustible material such as hay

Similar language is found in The International Building Code (IBC), section 3406, and the Minnesota Rules Chapter 1311 Rehabilitation of Existing Buildings. In many cases, compliance will require certified design drawings to be submitted to a city or county building official by a licensed design professional.

*102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the*

*same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the International Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this*

*code and the International Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.*

In addition to fire-and-life safety concerns, conversion to a different occupancy classification may result in changes to the building's structural system. Those could include the possibility of increased loads from people, snow or storage. Additional considerations for the owner and the design professional would include alterations to plumbing or ventilation systems, and electrical code upgrades.

The fact that the structure is used infrequently does not eliminate the obligation to follow state building and fire codes. Nor does lack of code enforcement at the local or county level exempt



and wood are combined with ignition sources like heaters and candles, the consequences can be devastating.

Minnesota Rule 1300.0030 exempts agricultural buildings from the state building code. However, this regulation does not exempt agricultural buildings from the state fire code. Utilizing an agricultural "building" for a non-agricultural "use" is considered a change of use, which must comply with the requirements of the new use. Temporary or infrequent change of use is still considered a change of use. The general public, as well as design professionals, should be aware of all code requirements associated with these buildings. The Minnesota State Fire Code (MSFC) section 102.3, quoted below, requires any change in use of a building or structure to comply with state building code and state fire code.

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## NCIDQ Examination

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difficulty; and periodic practice analyses are conducted to ensure that the exam represents the most current thinking, knowledge and trends in interior design relative to building systems, codes, construction standards, contract administration, design application, professional practice, and project coordination content areas.

Interior design students and professionals now have the opportunity to obtain their certification more quickly by taking the first part of the exam—the Interior Design Fundamentals Exam (IDFX)—right after they graduate. Then, after obtaining two years of qualified work experience they can take the Interior Design Professionals Exam (IDPX) and the Practicum.

When an interior designer passes the NCIDQ exam and receives certification, it assures the public that he or she has the knowledge and expertise to meet their design needs and safety. ■



## Safely converting barns

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the design professional from ensuring compliance with state codes.

The modern tendency to repurpose agricultural buildings to new uses and ignore state law has code officials worried about the consequences. All structure owners, whether they understand state codes or not, have an obligation to ensure the structure meets minimum fire-and-life safety requirements. A major part of that obligation is to work with an architect or engineer to ensure all building and fire code requirements have been met.

When a design professional works hand-in-hand with the structure's owner and appropriate code officials, Minnesota can hope to ensure the life safety of our residents and visitors, protect our structures, and prevent one of the deadliest fires in U.S. history from happening in our state, under our watch. ■

# AIA elevates 3 Minnesota architects

## Former Board member Demele among new Fellows

The leadership and professionalism of Minnesota architects was demonstrated once again with the elevation of three of its numbers to the American Institute of Architects (AIA) prestigious College of Fellows, by the 2015 Jury of AIA Fellows.

The AIA website describes the Fellowship program as “developed to elevate those architects who have made a significant contribution to architecture and society and who have achieved a standard of excellence in the profession. Election to fellowship not only recognizes the achievements of architects as individuals, but also their significant

contribution to architecture and society on a national level.”

The 2015 Jury of Fellows from the American Institute of Architects (AIA) elevated 147 AIA members to its prestigious College of Fellows. Out of a total AIA membership of over 85,000 there are over 3,200 members distinguished with this honor.

The 2015 Fellows will be honored at an investiture ceremony at the AIA Convention 2015 in Atlanta.



Gary Demele, FAIA, Vice President, Busch Architects, Inc. Demele served for eight years as state IDP coordinator for AIA Minnesota and two years on the IDP Advisory Committee (IDPAC), a joint committee of the AIA and NCARB. He was awarded the AIA Minnesota Presidential Citation for his work for IDP in 1998 and 2007. He was recognized for his work on the Minnesota Board of AELSLAGID, NCARB National Board of Directors and AIA Minnesota in transforming internship policy and streamlining licensure for architects.



Tim Carl, FAIA, CEO, HGA Architects and Engineers (HGA). Carl was named one of Progressive Architecture's Young Architects in 1993. Since 1999 he has received ten AIA Minnesota Honor Awards. In 2004 his work for General Mills was one of eleven international projects recognized in the *Architectural Record/Business Week* Awards. His work has received the AIA National Housing Design Award and the SCUP/AIA-CAE Honor Award.



Rosemary McMonigal, FAIA, Principal, McMonigal Architects, LLC. Since forming McMonigal Architects in 1984, Rosemary has advanced the residential architecture profession and strengthened its image through project-based research, technical innovation, and public outreach. Rosemary is actively engaged in exploring new techniques for healthy living and energy efficient construction. She speaks to public groups, architects, and builders, and has published over 100 articles. From 1999-2014, Rosemary was architectural advisor to the Capitol Area Architectural and Planning Board in St. Paul.



**Minnesota Board of Architecture, Engineering,  
Land Surveying, Landscape Architecture,  
Geoscience and Interior Design**

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**Letter from the Chair**

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of professional conduct and participating in educational credit hours specific to professional ethics. Within this newsletter you can find more on ethics PDH.

We want to welcome our new Board members: Keith Rapp, Professional Geologist, and Robin Mathews, Land Surveyor. Both will be great additions to the Board and we are looking forward to their involvement. At the same time we want to thank two of our Board members who are leaving, Lisa Hanni and Bruce Johnson. Lisa and Bruce both chaired and served extensively on the Complaint Committee and also served on the Executive Committee during their terms. Their input will be missed.

We also want to express our gratitude for the reappointment by Governor Dayton of Terry Groshong, Bill Kuretsky, and Dennis Martenson. They have

collectively contributed so much to the Board, most notably through outreach to students and colleagues and their diligence and commitment of time on the Complaint Committee and Legislative Action Team. Their presence on the Board will provide the continuity necessary to further the progressive steps the Board is taking to fulfill its mission.

Lastly, the Board is in the process of adopting new rules for expedited licensing for military members and their spouses. Postcard notices will be sent to all licensees and certificate holders upon publication of the proposed rules in the State Register this summer. Rule-making documents are posted on the Board's website as they become available. ■

**Calendar of Meetings**

**June-November**

**June**

- 24 Complaint Committee - 12:30 p.m.
- 25 Board Meeting - 8:00 a.m.

**July**

TBD Complaint Committee  
No full Board and Committee Meeting.

**August**

- TBD Complaint Committee
- 6 Board Meeting - 8:00 a.m.

**September**

TBD Complaint Committee  
No full Board and Committee Meeting.

**October**

TBD Complaint Committee  
9 Board Meeting - 8:00 a.m.

**November**

TBD Complaint Committee  
No full Board and Committee Meeting.

**Please consult the Board website for any changes to meeting dates or times.**

Board meetings are open to the public, with the exception of Disciplinary/Complaint meetings or discussions as prescribed by Minnesota Statutes 13D.01 and Chapter 14.